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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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CHRISTOPHER HARVEY,

Petitioner,

*versus*

MARK MARTIN,

Respondent.

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CIVIL ACTION NO. 1:11-CV-513

**MEMORANDUM ORDER PARTIALLY ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Petitioner Christopher Harvey, proceeding *pro se*, filed the above-styled petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court previously referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending this petition be dismissed.


The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. No objections were filed to the magistrate judge's Report and Recommendation.

However, petitioner subsequently filed a motion asking that this petition be dismissed. Pursuant to Federal Rule of Civil Procedure 41(a)(1), petitioner is entitled to dismiss his claims prior to the service of any adverse parties.

## ORDER

Accordingly, petitioner's motion to dismiss is **GRANTED**. The report of the magistrate judge is **PARTIALLY ADOPTED** to the extent it recommends this petition be dismissed. A final judgment will be entered dismissing this petition pursuant to Federal Rule of Civil Procedure 41(a)(1).

SIGNED at Beaumont, Texas, this 14th day of December, 2011.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE